

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,
SPOKANE TRIBE OF INDIANS,
Plaintiff/Intervenor,
v.
BARBARA J. ANDERSON, et al.,
Defendants.

No. CV-72-3643-JLQ

SPECIAL MASTER'S REPORT
AND RECOMMENDATION TO
GRANT UNOPPOSED JOINT
MOTION OF THE UNITED
STATES, SPOKANE TRIBE OF
INDIANS, AND WASHINGTON
DEPT. OF ECOLOGY TO
EXTEND REPORTING AND
BRIEFING SCHEDULE

Before the court on Report and Recommendation is the Joint Motion of the United States, the Spokane Tribe of Indians, and the Washington Department of Ecology to extend the reporting and briefing schedule described below. (Ct. Rec. 667.)

The court's Order dated August 11, 2006, (Ct. Rec. 600), anticipated various studies would be completed by August 2009, with ensuing motions in 2010. In light of the late start in fiscal year 2006 that limited funding for the project that year, and the need to limit annually the amount of funding, with the result of greater time required for the study,

IT IS RECOMMENDED the Joint Motion of the United States, the Spokane

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REPORTING AND BRIEFING SCHEDULE - 1

1 Tribe of Indians, and the Washington Department of Ecology to Extend Reporting and
 2 Briefing Schedule, (**Ct. Rec. 667**), which motion is unopposed, be **GRANTED** and the
 3 deadlines be modified in the August 11, 2006, Order as follows:

4 Completion of the United States Geological Survey Study and any other factual
 5 studies: extended from August 15, 2009, to August 15, 2011;

6 Opening Brief: extended from January 15, 2010, to January 15, 2012;

7 Response Brief: extended from March 15, 2010, to March 15, 2012; and

8 Reply Brief: extended from April 15, 2010, to April 15, 2012.

9 10 **OBJECTIONS**

11 Any party may object to a magistrate judge's proposed findings, recommendations
 12 or report within ten (10) days following service with a copy thereof. Such party shall
 13 file with the District Court Executive and serve on all parties written objections,
 14 specifically identifying the portions to which objection is being made, and the basis
 15 therefor. Any response to the objection shall be filed within ten (10) days after receipt
 16 of the objection. Attention is directed to FED. R. CIV. P. 6(d), which adds another three
 17 (3) days from the date of mailing if service is by mail.

18 A district judge will make a de novo determination of those portions to which
 19 objection is made and may accept, reject, or modify the magistrate judge's
 20 determination. The judge need not conduct a new hearing or hear arguments and may
 21 consider the magistrate judge's record and make an independent determination thereon.
 22 The judge may also receive further evidence or recommit the matter to the magistrate
 23 judge with instructions. See 28 U.S.C. § 636(b)(1)(B) and (C), FED. R. CIV. P. 72, and
 24 LMR 4, Local Rules for the Eastern District of Washington.

25 A magistrate judge's recommendation cannot be appealed to a court of appeals;
 26 only the district judge's order or judgment can be appealed.

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 REPORTING AND BRIEFING SCHEDULE - 2

1 The Clerk of the Court shall file this Report and Recommendation and serve
2 copies of it on the referring judge, Water Master Lyerla, counsel for the parties, and
3 those parties listed on the most recently updated notice list (Attachment "1" to this
4 Order).

5 DATED: June 3, 2009.

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8 s/ CYNTHIA IMBROGNO

9 UNITED STATES MAGISTRATE JUDGE

10 Serving as Special Master
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REPORTING AND BRIEFING SCHEDULE - 3

ATTACHMENT 1

NOTICE LIST
CAUSE NO. CV-72-3643-JLQ

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REPORTING AND BRIEFING SCHEDULE - 4

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REPORTING AND BRIEFING SCHEDULE - 6